

FILED  
MAR 6 2018  
U.S. COURT OF  
FEDERAL CLAIMS

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5. Upon abandonment of the easement and/or authorization of use beyond the scope of the easement, Plaintiffs' property would have been unburdened by any easement.

6. Plaintiff Isa Brittain owned land adjacent to the Railroad Line on the date of the taking, February 6, 2018. The property owned by Isa Brittain is located in Fulton County, Georgia, and includes parcel number 14 008800040093, and includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

7. Plaintiff Willie Duffie owned land adjacent to the Railroad Line on the date of the taking, February 6, 2018. The property owned by Willie Duffie is located in Fulton County, Georgia, and includes parcel number 14 008800020426, and includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

8. On February 6, 2018, the Surface Transportation Board ("STB") issued a Notice of Interim Trail use ("NITU") relating to the following segment of the Railroad Line: between milepost XXC 0.0 and milepost XXC 4.4, a distance of 4.40 miles, in Fulton County, Georgia.

9. But for operation of the Trails Act, Plaintiffs would have the exclusive right to physical ownership, possession, and use of their property free of any easement for recreational trail use or future railroad use.

10. By operation of the Trails Act, the United States took the Plaintiffs' property which it is Constitutionally obligated to pay just compensation.

11. Plaintiffs owned the aforementioned property on the date of the taking, February 6, 2018, and are therefore proper claimants for compensation.

12. Plaintiffs' property includes but is not limited to the fee title to the property underlying the former railroad easement.

13. The United States' actions damaged Plaintiffs by taking a portion of Plaintiffs' property and by diminishing the value of the remaining property and by attenuating delay damages based upon the delayed payment of compensation.

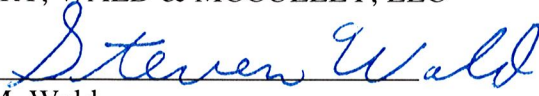
WHEREFORE, Plaintiffs respectfully request a monetary judgment in their favor representing the full fair market value of the property taken by the United States on the date it was taken, including severance damages, delay damages, interest, and costs and attorneys' fees incurred by Plaintiffs and for such further relief as this Court may deem just and proper.

Date: March 6, 2018

Respectfully submitted by:

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